

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION -FLINT

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 2:06-CR-20308

vs.

HON. JOHN FEIKENS

MAG. JUDGE MICHAEL J. HLUCHANIUK

WESLEY HARRISON CHANEY,

Defendant.

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ORDER OF DETENTION
PENDING REVOCATION PROCEEDINGS

The Defendant appeared before the Court on March 3, 2008, based upon a Petition and Warrant for violation of conditions of supervised release, filed on February 19, 2008.

The Defendant is charged with Violation of one of the Mandatory Conditions by being arrested by the Troy Police Department for retail fraud. The Defendant is also charged with Violation of Standard Condition Number 7 by testing positive for the use of cocaine.

The report of the Probation Officer in this matter indicates that the Defendant began his term of supervised release on May 1, 2007.

The information presented at the hearing indicates that the Defendant committed the offenses alleged in the violation petition while under the supervision of the probation officer. The Court has further been informed that the Defendant failed to comply with the terms of his supervised release by not reporting to the probation officer in February, 2008, as required

The provisions of Fed. R. Crim. P.46(d), 32.1(a)(6) and 18 U.S.C. Sec 3143(a) place the burden on the Defendant, who is facing a supervised release violation, to demonstrate by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person

or the community if released pending a hearing on the supervised release violation revocation hearing. Based on the facts presented, the Defendant has failed to meet this burden, by a clear and convincing showing, that he would not flee nor engage in any further criminal activity and thus be a danger to the community.

Accordingly, the Defendant shall be detained without bond in this matter pending further proceedings before the district court judge.

The Defendant is hereby remanded to the custody of the United States Marshal.

IT IS SO ORDERED.

Dated: March 4, 2008

s/ Michael J. Hluchaniuk
Michael J. Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send such notification of such filing to the following: Robert W. Haviland, AUSA, Michael J. McCarthy, Michael R. Muller, AUSA, Kenneth R. Sasse, Federal Defender Office, and I hereby certify that I have mailed by United States Postal Service/hand delivered the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, Michigan 48502, Probation Officer, 600 Church St., Flint, Michigan 48502

s/ James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peltier@mied.uscourts.gov